



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

**1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270**

GENERAL NOTICE LETTER/104(e) INFORMATION REQUEST

URGENT LEGAL MATTER, PROMPT REPLY NECESSARY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED – #

Mr. Brad Tilley
Superintendent
City of Seymour Electric Department
301 Washington Street
P.O. Box 31
Seymour, Texas 76380

Re: General Notice Letter and Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. § 9604(e) for the F. J. Doyle Salvage Superfund Site (SSID 061D) in Leonard, Fannin County, Texas

Dear Sir:

The purpose of this letter is to notify the City of Seymour Electric Department (Seymour) of its potential liability at the F. J. Doyle Salvage Superfund Site (Site) located in Leonard, Fannin County, Texas. This letter also seeks Seymour's cooperation in providing information and documents relating to the contamination of the Site. Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) is authorized to respond to the release or threat of release of hazardous substances, pollutants or contaminants into the environment – that is, for stopping further contamination from occurring and for cleaning up or otherwise addressing any contamination that has already occurred. The EPA has documented that such a release has occurred at the Site. The EPA has spent, or is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available, the EPA has determined that Seymour may be responsible under CERCLA for cleanup of the Site or costs the EPA has incurred in cleaning up the Site.

Site Background

The Site is a former metal salvage and recycling facility. The site is approximately 0.5 acres in size and located at 905 North Poplar Street, Fannin County, Leonard, Texas. As part of the salvage process, operators at the Site obtained electrical transformers and other components from electric utility companies. Site operators drained oil containing polychlorinated biphenyls (PCBs) from the transformers, dismantled the transformers and used a high-temperature oven to burn residual oils, paper and varnish from the copper and aluminum transformer cores. PCBs are a listed hazardous substance pursuant to section 102(a) of CERCLA, 42 U.S.C. § 9602, and 40 C.F.R. § 302.4.

F.J. Doyle Salvage
General Notice and Information Request

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Historical sampling has indicated PCB contamination in onsite and offsite soils. EPA conducted a removal action at the Site in 2019, removing and disposing of PCB-contaminated soils and building elements.

Explanation of Potential Liability

Under CERCLA, specifically sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect public health, welfare, or the environment. PRPs may also be responsible for costs incurred by the EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a site as well as persons who arranged for treatment and/or disposal of any hazardous substance found at a site, and persons who accepted hazardous substances for transport and selected a site to which hazardous substances were delivered.

Based on the information collected, the EPA believes that Seymour may be liable under Section 107(a) of CERCLA with respect to the Site as a generator who arranged for the disposal, treatment or transportation of hazardous substances at the Site. Specifically, the EPA has reason to believe that Seymour arranged for the disposal, treatment or transportation of electrical transformers containing polychlorinated biphenyls (PCBs) at the Site.

Financial Concerns/Ability to Pay Settlements

The EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe, and can document, that you fall within that category, please contact David Eppler (see contact information below) for information on ability-to-pay settlements. In response, you will receive a package of information about the potential for such settlements and a form to fill out with information about your finances, and you will be asked to submit financial records including business [and personal] federal income tax returns. If the EPA concludes that you have a legitimate inability to pay the full amount of the EPA's costs, the EPA may offer a schedule for payment over time or a reduction in the total amount demanded from you.

Also, please note that, because the EPA has a potential claim against you, you must include the EPA as a creditor if you file for bankruptcy. The EPA reserves the right to file a proof of claim or an application for reimbursement of administrative expenses.

Resources and Information for Small Businesses

As you may be aware, on January 11, 2002, President Bush signed into law the Superfund Small Business Liability Relief and Brownfields Revitalization Act. This Act contains several exemptions and defenses to CERCLA liability, which we suggest that all parties evaluate. You may obtain a copy of the law via the Internet at:

<http://www.gpo.gov/fdsys/pkg/PLAW-107publ118/pdf/PLAW-107publ118.pdf>

and review EPA guidance regarding these exemptions at:

<http://www.epa.gov/compliance/resources/policies/cleanup/superfund>

The EPA has created several helpful resources for small businesses. The EPA has established the National Compliance Assistance Clearinghouse as well as Compliance Assistance Centers, which offer various forms of resources to small businesses. You may inquire about these resources at <https://www.epa.gov/compliance/compliance-assistance-centers>. In addition, the EPA Small Business Ombudsman may be contacted at <https://www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman>. Finally, the EPA developed a fact sheet about the Small Business Regulatory Enforcement Fairness Act (SBREFA), which is enclosed with this letter and available on the Agency's website at <http://www.epa.gov/compliance/small-business-resources-information-sheet>.

Response to Information Request

Pursuant to the authority of CERCLA Section 104(e), you are hereby requested to respond to the enclosed information request (Enclosure 2). Please mail your response within thirty (30) calendar days of your receipt of this request to the following address:

Mr. David Eppler
Enforcement Officer (SEDAE)
U. S. Environmental Protection Agency Region 6
1201 Elm Street, Suite 500
Dallas, Texas 75270
Telephone: (214) 665-6529
Fax: (214) 665-6660
eppler.david@epa.gov

Please give these matters your immediate attention and consider consulting with an attorney. If you or your attorney have any legal questions, please contact Leonard Schilling, Regional Counsel at (214) 665-7166 or e-mail at schilling.leonard@epa.gov. If you have any other questions regarding this letter, please contact David Eppler, Enforcement Officer at (214) 665-6529. Thank you for your prompt attention to this matter.

Sincerely yours,

Susan D. Webster, Chief
Assessment and Enforcement Branch
Superfund and Emergency Management Division

Enclosures:

1. Evidence of Potential Liability
2. Information Request
3. Small Business Resource Fact Sheet

ENCLOSURE 1

**F. J. DOYLE SALVAGE SITE
EVIDENCE OF POTENTIAL LIABILITY**

ENCLOSURE 2

F. J. DOYLE SALVAGE SITE INFORMATION REQUEST

Under the authority of Section 104(e) of Superfund, the EPA is requesting you to respond to the questions below and to provide any relevant information related to this Site. Relevant information may include information concerning the type and quantity of substances transported to or treated, stored, or disposed of at the Site and releases of hazardous substances at or from the Site.

If you have information about other parties who may have information which may assist the EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), the EPA has broad information gathering authority which allows the EPA to require persons to furnish information or documents relating to:

(A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at vessel or facility or transported to a vessel or facility; and,

(B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and

(C) information relating to the ability of a person to pay for or to perform a cleanup.

While the EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended within. This statute permits the EPA to seek the imposition of penalties of up to \$58,328 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Please be aware that your response may include information that you consider confidential business information. If you make a claim of confidentiality on any of the information you submit to the EPA, you must prove that claim for each document.

Instructions on how to respond to the Questions are described below. Please send your response to this Information Request to Mr. David Eppler at the address in the letter.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

INSTRUCTIONS

1. Please provide a separate narrative response for each Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the EPA. Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 C.F.R. Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The term "agreement" means every separate contract, transaction, or invoice, whether written or oral.
2. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
3. The term "any," as in "any documents" for example, shall mean "any and all."
4. The term "arrangement" means every separate contract or other agreement between two or more persons.
5. The term "disposal" shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
6. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
7. "Facility" shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe

into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

8. "FJ Doyle" means any entity created by or associated with Frank Doyle or his family members that owned or operated the Site from approximately 1975 to 1999, including but not limited to, F.J. Doyle Salvage, Frank J. Doyle Transformer Salvage and Frank J. Doyle & Sons.
9. "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances. Hazardous substances include polychlorinated biphenyls (PCBs).
10. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
11. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.
12. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
13. "Material" or "Materials" shall mean any and all objects, goods, products, by-products, substances, or matter of any kind, including but not limited to wastes.
14. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
15. The term "Site" or "facility" shall mean and include the F. J. Doyle Salvage Site in Leonard, Texas.
16. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
17. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a

particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

18. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 C.F.R. Parts 260-280, in which case the statutory or regulatory definitions shall apply.

QUESTIONS

1. Please provide the full legal name, mailing address, and phone number of the Respondent.
2. For each person answering these questions on behalf of the Respondent, provide full name, title, business address, business telephone and facsimile number.
3. If the Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, telephone number, and facsimile number.
4. Has any material or equipment owned or used by Respondent ever been sold to, supplied to, or otherwise turned over to FJ Doyle for scrapping, salvage, repair, consignment, resale or any other purpose?
5. Has any material or equipment owned or used by Respondent ever been sent to the Site for scrapping, salvage, repair, consignment, resale, or any other purpose?
6. If your answer to either question or both, is yes, provide a complete list of all such material or equipment, as well as any and all shipments thereof; include the following information with your response:
 - a. The reason and approximate date(s) the material or equipment was taken out of service, and the date(s) sold, scrapped, disposed of, or otherwise turned over to FJ Doyle, or the date sent to the Site, if applicable.
 - b. Describe the condition of the material or equipment when it was sold, scrapped, disposed of, or otherwise turned over to FJ Doyle, or sent to the Site, if applicable.
 - c. List any amount of money paid or received by Respondent in relation to the sale, transfer, or delivery of the material or equipment. Indicate whether the price was reduced because of the inclusion of hazardous substances in the material or equipment.
 - d. For each item of material or equipment, indicate whether it was oil-filled when turned over to FJ Doyle. Supply any and all records that may indicate the contents of the oil, in particular whether the oil may have contained PCBs. Indicate what steps were taken to determine whether the oil contained PCBs at the time of taking out of service or of disposal, and explain what precautions were taken to ensure that any PCBs in the equipment were disposed of properly.
 - e. Supply all documents pertaining to the transaction, and to the movement or shipment of the material or equipment from your property, or from property where you operate.
 - f. For each instance of equipment or material turned over to FJ Doyle or sent to the Site, indicate whether the equipment or material was transported by FJ Doyle, or by a separate company. In the case of the latter, identify both the individual and the company supplying the transportation services.

- g. Identify all persons who controlled and/or transported the material or equipment prior to delivery to the Site. Include job title, duties, dates performing those duties, supervisors for those duties, current position, and if applicable, the date of the individual's resignation or termination.
 - h. Provide the correct name and addresses of Respondent's plants and other facilities from which Respondent sold or supplied equipment or material to FJ Doyle or otherwise sent equipment or material to the Site.
 - i. Provide a brief description of the nature of Respondent's operations at each plant or facility referenced above, including: the date such operations commenced and concluded; and types of work performed at each plant or facility, including but not limited to the industrial, chemical, or institutional processes and treatments undertaken at each plant or facility
- 7. List, describe, and provide all documents relating to the information requested above. If any such documents have been destroyed, provide the dates of destruction.
- 8. Did Respondent ever sell or supply transformers or any other oil-filled equipment to FJ Doyle or otherwise send transformers or any other oil-filled electrical equipment to the Site? If so, provide the following details for each item that was sold or supplied to FJ Doyle or may have been sent to the Site:
 - a. the name of the manufacturer and serial number;
 - b. the quantity of oil contained in the equipment;
 - c. the concentration of PCBs contained in the oil;
 - d. the purpose of the shipment (e.g, salvage, repair or resale);
 - e. the date on which the equipment left your facility;
 - f. the company name, address, and telephone number of the transporter; and
 - g. the names, addresses, telephone numbers, and dates of ownership of any and all prior owners.
- 9. Provide legible copies of any and all contracts, invoices, receipts, or other documents describing the transactions that Respondent conducted with FJ Doyle for each item identified in the question above, as well as the June 1987 and July 1987 receipts mentioned in the enclosed Evidence document.
- 10. Provide legible copies of any and all contracts, invoices, receipts, or other documents related to the transactions that Respondent conducted with transporters to transport the items in the question above.
- 11. Describe how both PCB-contaminated oil and uncontaminated oil were emptied from electrical transformers and capacitors or other electrical equipment and stored at Respondent's facilities.
- 12. Identify and describe, and provide all documents that refer or relate to, the following:
 - a. How were hazardous substances or materials containing hazardous substances used or planned to be used at the Site?

- b. What was done to any hazardous substances once they were sent to the Site, including any service, repair, recycling, treatment, or disposal?
- c. What activities were typically conducted at the Site? What were the common business practices at the Site? How and when did Respondent obtain this information?
- d. How were hazardous substances typically used, handled, or disposed of at the Site?
- e. Did Respondent ever travel to the Site? If so, how many times and when did Respondent travel to the Site? When travelling to the Site, explain the details of the visit, including how long Respondent stayed, who Respondent met with, and the nature of the visit.
- f. Did Respondent know that hazardous substances were disposed of at the Site? If not, why not?
- g. Did Respondent have any influence over waste disposal activities at the Site? If so, how?
- h. Did Respondent know if the owner(s) and/or operator(s) of the Site were removing a hazardous substance from the transferred material?
- i. Did Respondent know, based on general industry knowledge, if the hazardous substances would need to be removed from the transferred material in order for that material to be useful?
- j. What percentage of Respondent's total hazardous substances went to the Site?
- k. What steps did Respondent take to dispose of or treat any hazardous substances among the materials transferred to the Site? Provide any agreements and documents, including waste logs, journals, or notes, reflecting these steps.
- l. What involvement (if any) did Respondent have in selecting the particular means and method of disposal of the hazardous substances at the Site?
- m. At the time Respondent transferred the materials containing hazardous substances to the Site, what did Respondent intend to happen to the hazardous substances? Provide any agreements and documents, including waste logs, journals, or notes, reflecting the intention of the parties. If Respondent does not have such documents and/or materials, please so state.

ENCLOSURE 3

**F. J. DOYLE SALVAGE SITE
INFORMATION REQUEST**

SMALL BUSINESS RESOURCES FACT SHEET

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Office of Small and Disadvantaged Business Utilization (OSDBU)

www.epa.gov/aboutepa/about-office-small-and-disadvantaged-business-utilization-osdbu

EPA's OSDBU advocates and advances business, regulatory, and environmental compliance concerns of small and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman (ASBO)

www.epa.gov/resources-small-businesses/asbestos-small-business-ombudsman or 1-800-368-5888

The EPA ASBO serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

Small Business Environmental Assistance Program

<https://nationalsbeap.org>

This program provides a "one-stop shop" for small businesses and assistance providers seeking information on a wide range of environmental topics and state-specific environmental compliance assistance resources.

EPA's Compliance Assistance Homepage

www.epa.gov/compliance

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

Compliance Assistance Centers

www.complianceassistance.net

EPA sponsored Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org

Education

www.campuserc.org

Food Processing

www.fipeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Surface Finishing

<http://www.sterc.org>

Paints and Coatings

www.paintcenter.org

Printing

www.pneac.org

Ports

www.portcompliance.org

Transportation

www.tercenter.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

EPA Hotlines and Clearinghouses

www.epa.gov/home/epa-hotlines

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Examples include:

Clean Air Technology Center (CATC) Info-line

www.epa.gov/cate or 1-919-541-0800

Superfund, TRI, EPCRA, RMP, and Oil Information Center

1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or 1-734-214-4100

National Pesticide Information Center

www.npic.orst.edu or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills -

<http://nrc.uscg.mil> or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) -

www.epa.gov/p2/pollution-prevention-resources/ppic or 1-202-566-0799

Safe Drinking Water Hotline -

www.epa.gov/ground-water-and-drinking-water/safe-drinking-water-hotline or 1-800-426-4791

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides

<https://www.epa.gov/reg-flex/small-entity-compliance-guides>

EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons

www.epa.gov/resources-small-businesses/epa-regional-office-small-business-liaisons

The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators

www.envcap.org/stateools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

<https://nationalsbcap.org/states/list>

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal

www.epa.gov/tribalportal

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/enforcement/small-businesses-and-enforcement

EPA's Audit Policy

www.epa.gov/compliance/epas-audit-policy

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.